

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

JOHN HAGAN, III,

Plaintiff(s),

*-against-*THE ROMAN CATHOLIC DIOCESE OF ROCKVILLE
CENTRE, NEW YORK; and CATHOLIC CHARITIES OF
THE DIOCESE OF ROCKVILLE CENTRE,

Defendant(s).

Index No. _____

Summons

Date Index No. Purchased: _____

October 22, 2019

To the above named Defendant(s)

THE ROMAN CATHOLIC DIOCESE OF ROCKVILLE CENTRE, NEW YORK
50 North Park Avenue
Rockville Centre, Nassau County, New York.

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is one or more Defendant resides in Nassau, County, New York
which is Nassau, County, New York

Dated: New York, NY

October 22, 2019

SIMMONS HANLY CONROY LLC

by 

Paul J. Hanly, Jr.

Attorneys for Plaintiff

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SUPREME COURT OF THE STATE OF NEW YORK
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JOHN HAGAN, III,

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*-against-*THE ROMAN CATHOLIC DIOCESE OF ROCKVILLE
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Date Index No. Purchased: _____

October 22, 2019

To the above named Defendant(s)

CATHOLIC CHARITIES OF THE DIOCESE OF ROCKVILLE CENTRE
90 Cherry Lane, Hicksville, Nassau County, New York.

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

JOHN HAGAN, III,

Plaintiff,

v.

THE ROMAN CATHOLIC DIOCESE OF ROCKVILLE CENTRE,
NEW YORK; and CATHOLIC CHARITIES OF THE DIOCESE
OF ROCKVILLE CENTRE,

Defendants.

Index No.

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff John Hagan, III, by his attorneys Simmons Hanly Conroy LLC and the Law Offices of Mitchell Garabedian, brings this action against The Roman Catholic Diocese of Rockville Centre, New York; and Catholic Charities of the Diocese of Rockville Centre, and alleges, on personal knowledge as to himself and on information and belief as to all other matters, as follows:

JURISDICTION AND VENUE

1. This Court has personal jurisdiction over the Defendants pursuant to CPLR 301 and 302, in that the Defendants reside in New York.
2. This Court has jurisdiction over this action because the amount of damages Plaintiff seeks exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.
3. Venue for this action is proper in the County of Nassau pursuant to CPLR 503 in that one or more of the Defendants reside in this County and a substantial part of the events or omissions giving rise to the claims asserted herein occurred in this County.

PARTIES

4. Plaintiff John Hagan, III ("Plaintiff") is an individual residing in Laguna Beach, California.
5. Defendant The Roman Catholic Diocese of Rockville Centre, New York

("Diocese of Rockville Centre") is a religious corporation organized pursuant to the New York Religious Corporations Law, with its principal office at 50 North Park Avenue, Rockville Centre, Nassau County, New York. The Diocese of Rockville Centre is a Roman Catholic diocese. At all relevant times, the Diocese of Rockville Centre created, oversaw, supervised, managed, controlled, directed and operated Catholic Charities of the Diocese of Rockville Centre.

6. Defendant Catholic Charities of the Diocese of Rockville Centre ("Catholic Charities") is a not-for-profit corporation organized pursuant to New York's Not-for-Profit Corporation Law, with its principal office formerly at 50 North Park Avenue, Rockville Centre, Nassau County, New York, and now at 90 Cherry Lane, Hicksville, Nassau County, New York. At all relevant times, Catholic Charities was and has been a Roman Catholic diocesan entity within and under the authority of the Diocese of Rockville Centre.

FACTS COMMON TO ALL CLAIMS

7. Plaintiff and his family were parishioners of and attended St. Peter of Alcantara Church in Port Washington, Nassau County, New York when Plaintiff was a minor child. Plaintiff also attended the parochial elementary school affiliated with St. Peter of Alcantara Church and served as an altar boy at St. Peter of Alcantara Church. Plaintiff's father was involved as a donor, fundraiser, and volunteer for Catholic Charities when Plaintiff was a minor child.

8. During the times relevant to the allegations set forth herein, Monsignor Edward L. Melton ("Monsignor Melton") was assigned by Defendant Diocese of Rockville Centre to be the Director of Division of Health and Hospitals for Catholic Charities. Monsignor Melton died in 1994.

9. Through his positions at, within, or for the Defendants, Monsignor Melton was put in direct contact with Plaintiff's father and other members of the Plaintiff's family, including Plaintiff, a minor parishioner of the Diocese of Rockville Centre.

10. From approximately 1960 when Plaintiff was approximately eight years of age, to approximately 1964 when Plaintiff was approximately twelve years of age, Monsignor Melton would visit Plaintiff and Plaintiff's family in Plaintiff's home in Sands Point, Nassau County, New York, and accompany Plaintiff and Plaintiff's family on boating trips in and around Long Island, New York, and on vacations to Florida and the Bahamas.

11. Monsignor Melton used such encounters, gained through his position at Catholic Charities which granted him access to Plaintiff when Plaintiff was approximately eight to twelve years of age, to sexually assault, sexually abuse, and/or have sexual contact with the Plaintiff on approximately fifty occasions in violation of the laws of the State of New York.

Defendants' Responsibility for the Abuse Committed by Monsignor Melton

12. At all times material hereto, Monsignor Melton was under the management, supervision, employ, direction and/or control of the Defendants.

13. Through his positions at, within, or for the Defendants, Monsignor Melton was put in direct contact with Plaintiff.

14. Monsignor Melton used his position at, within, or for the Defendants and the implicit representations made by them about his character that accompanied that position, to gain Plaintiff's trust and confidence and to create an opportunity to be alone with, and to sexually touch, Plaintiff.

15. Defendants had the duty to reasonably manage, supervise, control and/or direct priests who served at Catholic Charities, and specifically, had a duty not to aid pedophiles such as Monsignor Melton by assigning, maintaining, and/or appointing them to positions with access to minors.

16. Defendants knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate and unlawful sexual activities of Monsignor Melton, who sexually abused Plaintiff.

17. Defendant Diocese of Rockville Centre had a duty to the Plaintiff to properly supervise Diocese of Rockville Centre priests to ensure that priests did not use their positions with the Diocese of Rockville Centre as a tool for grooming and assaulting vulnerable children. Defendant Diocese of Rockville Centre knew or should have known that Monsignor Melton used his positions with the Diocese of Rockville Centre to sexually abuse minor children, including the Plaintiff.

Consequences of the Abuse

18. Plaintiff suffered personal physical and psychological injuries and damages as a result of Monsignor Melton's actions, as well as other damages related thereto, as a result of the childhood sexual abuse Plaintiff sustained.

19. As a direct result of the Defendants' conduct described herein, Plaintiff suffered and will continue to suffer great pain of mind and body, severe and permanent emotional distress, and physical manifestations of emotional distress. Plaintiff was prevented from obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling; and has incurred and will continue to incur loss of income and/or loss of earning capacity. As a victim of Monsignor Melton's sexual abuse, Plaintiff is unable at this time to fully describe all of the details of that abuse and the extent of the harm he suffered as a result.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

Negligent Hiring/Retention/Supervision/Direction

20. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 19 as if fully set forth herein.

21. Defendants owed a duty of care to all minor persons, including Plaintiff, who were likely to come within the influence or supervision of Monsignor Melton in his role as priest, counselor, trustee, director, officer, employee, agent, servant and/or volunteer, to insure that Monsignor Melton did not use his assigned position to injure

minors by sexual assault, sexual abuse, or sexual contact in violation of the laws of the State of New York.

22. Defendant Diocese of Rockville Centre at all relevant times held the Catholic Charities out to be a safe place for minors, and its priests as individuals to whom it was safe to entrust the care of minor children. Defendant Diocese of Rockville Centre entered into an express and/or implied duty to safely treat Plaintiff and assumed the duty to protect and care for him.

23. Monsignor Melton sexually assaulted, sexually abused, and/or had sexual contact with Plaintiff when Plaintiff was a minor in New York, Florida, and the Bahamas.

24. Defendants negligently hired, retained, directed, and supervised Monsignor Melton, though they knew or should have known that Monsignor Melton posed a threat of sexual abuse to minors.

25. Defendants knew or should have known of Monsignor Melton's propensity for the conduct which caused Plaintiff's injuries prior to, or at the time of, the injuries' occurrence.

26. Defendants were negligent in failing to properly supervise Monsignor Melton.

27. The sexual abuse of children by adults, including priests, is a foreseeable result of negligence.

28. At all times material hereto, Defendants' actions were willful, wanton, malicious, reckless, negligent and/or outrageous in their disregard for the rights and safety of Plaintiff.

29. As a direct and proximate result, Plaintiff has suffered and will continue to suffer the injuries described herein.

30. By reason of the foregoing, the Defendants are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

SECOND CAUSE OF ACTION
Negligence/Gross Negligence

31. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 19 as if fully set forth herein.

32. Defendants knew, or were negligent in not knowing, that Monsignor Melton posed a threat of sexual abuse to children.

33. The acts of Monsignor Melton described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his respective employment, appointment, assignment, and/or agency with the Defendants.

34. Defendants owed Plaintiff, a minor at the relevant times of abuse, a duty to protect him from Monsignor Melton's sexual deviancy and the consequential damages, both prior to and/or subsequent to Monsignor Melton's misconduct.

35. Defendants' willful, wanton, grossly negligent and/or negligent act(s) of commission and/or omission, resulted directly and/or proximately in the damage set forth herein at length.

36. Defendants:

- a. gave improper or ambiguous orders or failed to make proper regulations, and/or employed improper persons or instrumentalities in work involving risk of harm to others;
- b. failed adequately to supervise the activities of Monsignor Melton;
- c. permitted, and/or intentionally failed and/or neglected to prevent, negligent and/or grossly negligent conduct and/or allowed other tortious conduct by persons, whether or not their servants and/or agents and/or employees, upon premises or with instrumentalities under their control; and
- d. allowed the acts of omission and/or commission and/or any or all of the allegations set forth in this Complaint to occur.

37. At all times material hereto, with regard to the allegations contained herein, Monsignor Melton was under the supervision, employ, direction and/or control of the Defendants.

38. At all times material hereto, Defendants' actions were willful, wanton, malicious, reckless, negligent and outrageous in their disregard for the rights and safety of Plaintiff, which amounted to conduct equivalent to criminality.

39. As a direct and/or indirect result of said conduct, Plaintiff has suffered and will continue to suffer the injuries and damages described herein.

40. By reason of the foregoing, the Defendants are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

THIRD CAUSE OF ACTION

Negligent Infliction of Emotional Distress

41. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 19 as if fully set forth herein.

42. As described above, the actions of Defendants, their agents, servants, and/or employees were conducted in a negligent and/or grossly negligent manner.

43. Defendants' actions endangered Plaintiff's safety and caused him to fear for his own safety.

44. As a direct and proximate result of Defendants' actions, which included but were not limited to negligent and/or grossly negligent conduct, Plaintiff suffered and will continue to suffer the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

45. By reason of the foregoing, the Defendants are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

WHEREFORE Plaintiff, demands judgment against the Defendants on each cause of

action as follows:

- A. Awarding compensatory damages in an amount to be proved at trial, but in any event in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction;
- B. Awarding punitive damages to the extent permitted by law;
- C. Awarding prejudgment interest to the extent permitted by law;
- D. Awarding costs and fees of this action, including attorneys' fees, to the extent permitted by law; and
- E. Awarding such other and further relief as to this Court may seem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Dated: October 22, 2019
New York, New York

Respectfully Submitted,

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